



**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF PLANNING AND PERMITTING**

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director  
Jim Gugel, Planning Director

TO: Frederick County Council

FROM: Tim Goodfellow, Principal Planner II *TG*

THROUGH: County Executive Jan H. Gardner

DATE: March 14, 2016

SUBJECT: Out-of-Sequence Water and Sewerage Plan Amendment

**ISSUE**

Staff is requesting that the County Council approve Case WS 15-13, which is an out-of-sequence request to establish the Lewistown public sewer service area.

**BACKGROUND**

This Amendment (Case WS 15-13) proposes the establishment of a new public sewer service area for the Lewistown Community and applies sewer classifications to properties within the proposed sewer service area. This Amendment is the first step to address the numerous on-site sewage disposal problems and public health issues in the Lewistown Community. Complete details on the County's plan for addressing this public health need in Lewistown are included in the Staff Report packet.

On February 2, 2016, the County Executive approved, per Section III(B)(3a) of the Water and Sewerage Plan, the submission of this application for a Water and Sewerage Plan amendment to proceed through the public hearing process outside of the normal spring, summer, and fall amendment cycles.

The following attachments provide background information for the Council's consideration in this case:

1. Water and Sewerage Plan excerpts – Section IV Organization and Administration, which describes the water and sewer classification system and the criteria for the granting of each classification.
2. Staff Reports – Planning staff report for this case describing the request and background information and recommendations for the affected properties.
3. Division of Utilities and Solid Waste Management (DUSWM) Memo – Provides technical comments and determination as to whether the criteria for the requested classifications have been met.
4. FcPc Transmittal Memo – documents the Planning Commission's vote on whether the requests are consistent with the Comprehensive Plan.

5. Out-of-Sequence Approval from County Executive Gardner - supporting materials for the request.

Out-of-Sequence Request

WS 15-13 Division of Planning and Permitting

This case, like all Water and Sewerage Plan Amendments, will be followed by the transmittal of a resolution from the County Council to the County Executive for approval or veto. If approved, this Amendment will be forwarded to the Maryland Department of the Environment for final approval.

**ANALYSIS/RECOMMENDATION**

A recommendation for the case is referenced in the attached Planning Staff report and the DUSWM memo.

**FUNDING INFORMATION**

Financial Implication: No \_\_\_\_\_ Yes \_\_\_\_\_

## **IV. COUNTY WATER AND SEWERAGE PLAN CLASSIFICATION SYSTEM**

### **A. General**

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

### **B.. Water and Sewerage Plan Classifications:**

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

#### **NPS – No Planned Service:**

A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

#### **PS – Planned Service:**

A classification assigned during the Comprehensive Planning Process to an area shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within the Community Growth boundary of a community to be served by public water and sewer in the adopted County Comprehensive Plan, within the 11-20 year time period. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.



**S-5/W-5 – Mid-Range Plan Phase:**

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

- a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
- b. Have zoning other than Agricultural or Resource Conservation.
- c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
- d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.
- e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

- 1) Annexed into a municipal corporation; or
- 2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
- 3) Zoned Agricultural, if all the criteria set forth above and in Section II (E)(8) are satisfied; or if applicable, Section II (E)(7) are satisfied; or
- 4) To provide public water and/or sewer service to Public Service Facilities, if applicable criteria in Section II(E)(8) are satisfied.

**S-4/W-4 – Concept Evaluation Phase:**

A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. The criteria required for the S-5/W-5 classification have been met.



- b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5)(E)). All concept plans shall distinguish between County planned and developer provided facilities.
- c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner will either wait for public improvements to be programmed or propose how such service can be provided by the developer/applicant.
- d. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

**S-3/W-3 – Preliminary Design Phase:**

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their "3" classification and revert to the "4" classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. Criteria required for the S-4/W-4 classification have been complied with.
- b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the *Adequate Public Facilities Ordinance* (APFO) studies.
- c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.
- d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

- f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.
- g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This "service to the site" requirement is considered "met" if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.
- h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

**S-2/W-2 – Engineering Phase:**

This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

- a. All criteria required for the S-3/W-3 classification have been complied with.
- b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
- c. Location of facilities, i.e. tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
- d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.<sup>1</sup>

**S-1/W-1 – Existing Service:**

A classification assigned to properties where publicly-owned community sewer or water systems are existing and are connected to and serving a structure on the property. Properties are assigned this classification by County staff to reflect projects recently completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

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<sup>1</sup> See Sec. 1-16-106 of the County Code for additional requirements.

**Multi-Use Water System:**

A classification assigned during the piecemeal application process to a single parcel or lot utilizing a water supply system having the capacity to supply more than 5,000 gallons of water per day and serves a number of individuals.

**Multi-Use Sewerage System:**

A classification assigned during the piecemeal application process to a single parcel or lot having a maximum discharge or output capacity in excess of 5,000 gallons per day.



WATER & SEWERAGE PLAN AMENDMENT  
Out-of –Sequence Request

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**STAFF REPORT**

**Case # WS-15-13**

**APPLICANT:** Division of Planning and Permitting

**REQUEST:** Various text amendments to Chapter 1 (Policies and Procedures) and Chapter 4 (Sewerage Systems) to establish a Sewer Service Area for Lewistown to address a public health issue, and to apply sewer classifications to properties within the Lewistown Sewer Service Area.

**BACKGROUND:**

The Lewistown Rural Community is located 5 miles south of Thurmont, along Hessong Bridge Road, east of US 15, the Catocin Mountain Highway and has a history of problems with private, on-site sewage disposal systems (septic systems) that originates primarily from its development in the mid 19<sup>th</sup> century with small lots. The size of these old lots, in addition to poorly drained soils, creates situations where insufficient land is available to repair or replace a septic system (i.e., new drainfields) when the system ceases to function properly or reaches the end of its functional life. On several properties in Lewistown, sewage holding tanks are being utilized as a result of failed septic systems.

In response to these issues, the Frederick County Health Department conducted two Sanitary Surveys in Lewistown, one in 1994 and again in 2013, which documented the location, extent and severity of the problems with on-site sewage disposal in the community. The Health Department and the Division of Utilities and Solid Waste Management (DUSWM) presented the results of the 2013 Lewistown Sanitary Survey to the Board of County Commissioners in June of 2014 with conceptual plans for a community sewer system to address the public health needs in Lewistown. The public sewer concept included the upgrade of the existing Lewistown wastewater treatment plant (a nearly 50-year old, sand-mound septic system that serves just the Lewistown Elementary School and Lewistown Fire Station), plus the construction of a public sewer collection line along Hessong Bridge Road to address the public health emergency in the Lewistown Community. Funding from Maryland's Chesapeake Bay Restoration Fund may also become available for components of this project due to the water quality improvements created when septic systems are replaced with public sewer connections.

The first stage in the Lewistown Sewer Project includes the establishment of a Sewer Service Area, whose size and location are based on the results of the 2013 Sanitary Survey and the

treatment capacity limitations of the planned Lewistown waste water treatment plant expansion (funds requested in the FY 2017 County Capital Improvement Plan). Additionally, sewer classifications will be applied to all properties within the Lewistown Sewer Service Area, and prioritized based on the concentration of existing septic system problems and expected timeframes for connection to the public sewer lines. These two items—Sewer Service Area creation and property reclassification-- are required for the Health Department and DUSWM to utilize Chesapeake Bay Restoration Funding resources, to pursue grants/loans, and for the project to proceed for further engineering study and design.

## WATER AND SEWERAGE PLAN

Several sections of the Water and Sewerage Plan are proposed for revision to address the County's planned response and solution to the public health emergency caused by the on-site sewage disposal problems in Lewistown. Edits to particular sections in the Water and Sewerage Plan are attached (with edits highlighted) and summarized below:

### Chapter 1, Section II (C) *Goals for Water Quality and Water and Sewer Planning*

- Clarifies that sanitary and water supply problems, requiring corrective action to protect health, safety and welfare, may occur outside of Community Growth Areas

### Chapter 1, Section II(E)(11) *Response to Sanitary and Water Supply Problems*

- Expands the County's options to address sanitary or water supply problems through establishment of a Community Sub-Regional Wastewater (or Water) System

### Chapter IV, Section IV *Sub-Regional Community Systems*

- Describes the proposed Lewistown Sub-Regional Sewage System with detailed narrative about the existing wastewater treatment facility and its capacity, projected demand, prioritization of service, and other DUSWM rules and regulations related to the provision of public sewer service in Lewistown

## COMPREHENSIVE PLAN

Public water and sewer service is planned for or provided primarily within Community Growth Areas (CGAs) in the County; however, there are multiple examples where public water or sewer service is provided in areas other than designated CGAs on the Comprehensive Plan. The Rural Communities of Knoxville, Braddock Heights, and Highfields/Cascade each have public water or sewer service. Additionally, two areas designated Rural Residential on the Comprehensive Plan have public water or sewer service provided by the County: White Rock and Crestview Estates. These two subdivisions are included in the Sub-Regional Community Systems in the Water and Sewerage Plan. Lewistown is defined as a Rural Community in the Comprehensive Plan.

Protecting public health, safety and welfare, through the provision of public water and sewer service to correct sanitary problems, is not limited to Community Growth Areas. The Comprehensive Plan contains multiple goals, policies, and actions designed to reduce water pollution (from land uses and septic systems), address failing septic systems, and promote the

overall health and safety of County residents, as listed below:

*Consider, and when appropriate, encourage the use of well-demonstrated alternative technologies and methodologies for the treatment of wastewater*

Policy PU-P-08, Chapter 7 Serving Our Citizens

*Protect and enhance the quality of Frederick County's surface waters, ground water resources, and wetlands*

Goal WR-G-02, Chapter 9, Assessing our Water Resources

*Invest in water and sewer infrastructure that will provide adequate treatment capacity and reduce pollutant loading in rivers and streams*

Goal WR-G-03, Chapter 9, Assessing our Water Resources

*Promote coordinated planning between jurisdictions and agencies responsible for drinking water, wastewater, and stormwater management*

Goal WR-G-04, Chapter 9, Assessing our Water Resources

*Recognize and support the use of new septic system technologies and the use of alternatives to septic systems*

Policy WR-P-14, Chapter 9, Assessing our Water Resources

*Identify and prioritize retrofitting failing septic systems using the Chesapeake Bay Restoration Fund and other programs*

Action Item WW-A-03, Chapter 9, Assessing our Water Resources

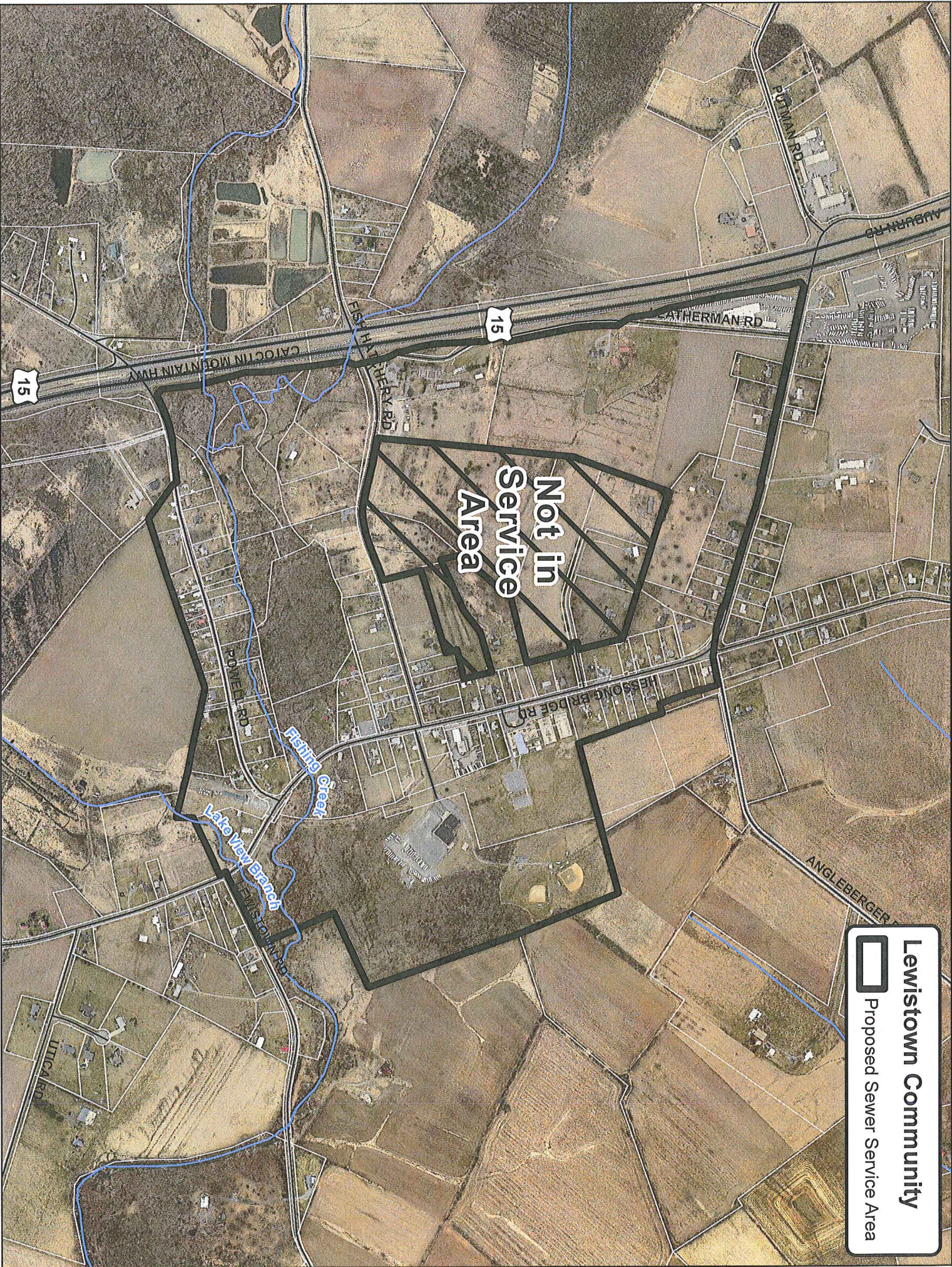
#### PLANNING COMMISSION RECOMMENDATION

At its March 9, 2015 public hearing, the Planning Commission found Case WS 15-13 consistent with the County Comprehensive Plan.

#### STAFF RECOMMENDATION:

Staff recommends approval of Case WS 15-13 to amend portions of Chapters 1 and 3 of the Water and Sewerage Plan to create the Lewistown Sewer Service Area and assign sewer classifications to properties within the Lewistown Sewer Service Area.



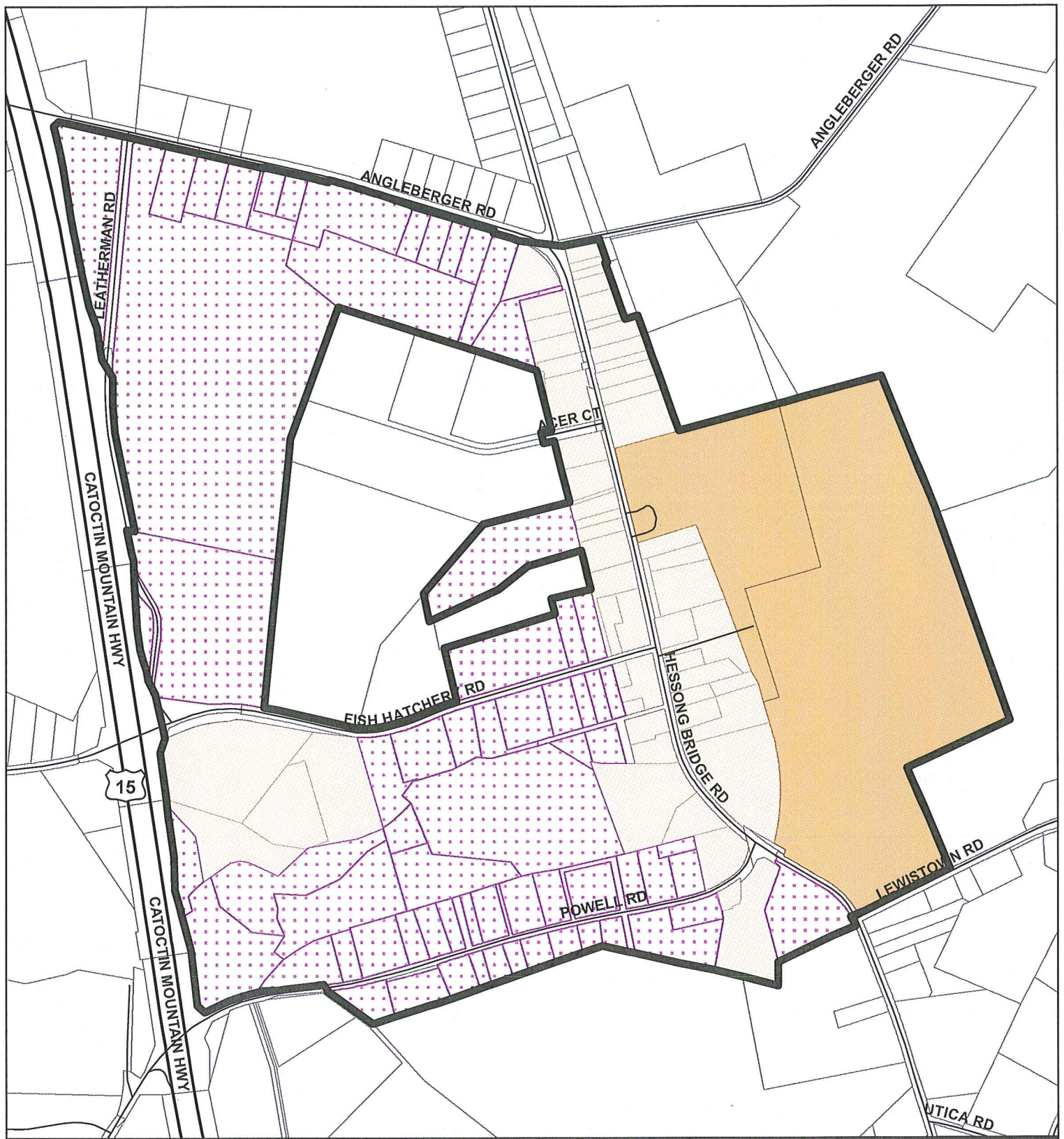


**Lewistown Community**



Proposed Sewer Service Area










# Lewistown Sewer Service Plan

## Frederick County, Maryland

Division of Planning and Permitting

-  Service Area Boundary
-  S-1, Existing Service
-  S-5, 7-10 Years
-  PS, Planned Service
-  NPS, No Planned Service

0 0.05 0.1 0.2 Miles

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.

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January 19, 2016  
Frederick County GIS





Water & Sewer Plan Amendments  
Case # WS 15-13 – Lewistown Sewer Service Plan

Proposed text amendments to the Water and Sewer Plan.

Chapter 1 Policies and Procedures

**C. Goals for Water Quality and Water and Sewerage Planning** (PAGE 1-7)

1. The goals of the County's Water and Sewerage Plan are as follows:

- A. To improve the water quality of Frederick County streams by meeting or exceeding the assigned effluent discharge requirements and by identifying and seeking to reduce other sources of pollution (i.e.g. failing septic systems).
- B. To assure a dependable supply of water for drinking, irrigation, recreation and stream augmentation for present and future generations, recognizing other legitimate uses for streams.
- C. To assist in correcting sanitary and water supply problems in existing problem areas that may be located outside of a designated community growth area. when possible by utilizing the best available and most economical water and sewer technologies and methods, whether publicly-owned or individual in nature, shall be utilized in a manner which will protect the health, safety and welfare of the public.
- D. To promote the use of publicly owned and operated Regional community water and sewer systems for new development in a manner consistent with the County Comprehensive Plan.

**11. Response to Sanitary and Water Supply Problems** (PAGES 1-16, 17)

The Secretary of the Maryland Department of the Environment has the statutory power to direct that action be taken to correct a health emergency caused by failed septic systems or private well contamination. Recognizing this, the following policies and procedures have been established. They address how the County (jointly with a municipality, if applicable) will respond to health emergencies which may arise. In addition, they establish standards for planning extension of water and sewer services to unserved areas adjoining municipalities which are not emergencies, but which may need such service in future.

- (1) Applicability: The following policies apply if the number of septic failures or well contaminations determined by a Health Department Sanitary Survey exceeds 25% of the properties surveyed.
- (2) Problem Area Response Procedures
  - (a) When notified by the local Health Department of a well contamination or septic failure area, the County will initiate a meeting among appropriate county departments, the Frederick County Health Officer, and municipal



representatives, if applicable, to discuss the problem and potential solutions.

- (b) An informational meeting with affected landowners will be held by the County following the meeting referenced in (2) (a) above.
- (c) If both capacity and funding are available, the municipality or County system will serve the area of need.
- (d) Establishment of a community sub-regional system that may be located outside of a community growth area may be used to serve a problem area if all other applicable criteria are met.
- (e) The County will support and assist in the annexation of the area to be served when possible.
- (f) If annexation is not favored by the municipality, the County will require all properties in the area of need to connect to any municipal line that abuts the property when service becomes available and the property owner is able to fund a connection. This assumes that a municipality will authorize service outside of their municipal boundary.
- (g) The County will initiate the appropriate change in the County Water and Sewerage Plan to facilitate service to the area of need.

(3) Connection and Financing Costs

- (a) The owners of developed and undeveloped buildable lots in the area of need shall be responsible for the cost of extension of services to their properties.<sup>11</sup>
- (b) The property owners in the area of need shall be responsible for the cost of the tap (capacity) fees and the connections and piping (private or public) from the sewer line to the house or the waterline to the house, and the closure of septic field or well.
- (c) The County or municipality may consider financing mechanisms to assist property owners in the area of need with the costs for service.
- (d) The municipality or County may adopt property tax abatement to property owners in the area of need for a specified number of years.

<sup>1</sup> In the Water and Sewer Rules and regulations, effective May 1, 2015, Section 6, failing Water or Septic System, stipulates cost-sharing criterion that may be applicable, in addition to possible funding sources that may include local, state and federal monies meeting all applicable criterion that may offset (reduce) costs.

## Chapter 4 Sewerage Systems

### **IV. Sub-Regional Community Systems** (page 4-37)

There are ~~six~~ five sub-regional community systems, which may also be referred to as small systems since they may only serve an individual subdivision or several subdivisions or other uses. Often built in response to failing septic systems, with few exceptions these community systems are not planned for expansion nor are they located so as to be connected to a regional system in the foreseeable future. All of the systems described below are public systems owned and maintained by Frederick County with the exception of the Highfield/Cascade system, which is operated by Washington County.

#### **6. LEWISTOWN SYSTEM**

The Lewistown community is located on the east side of US 15 and is generally bounded by Angleberger Road, Hessong Bridge Road, Powel Road, and US 15. It is primarily residential with several commercial and institutional uses including Beckleys RV Center, Lewistown Elementary School, and the Lewistown Volunteer Fire Company.

Lewistown has long experienced septic issues due to the small lot sizes, typically well under below the one (1) acre minimum now required for septic systems (onsite sewerage disposal systems [OSDS]). The Frederick County Health Department (FCHD) conducted a sanitary survey in 1994, which concluded that there was a need for a public sewer system. However, due to a lack of public support, among other things, such a project did not move forward. Another survey was recently conducted in 2013 reaching the same conclusion. This study identified a core area of need along Hessong Bridge Road between Angleberger Road to the north and Powel Road to the south (“Core Area of Need”).

#### Existing Facilities

The existing Lewistown multi-use WWTP currently serves Lewistown Elementary School and the Lewistown Fire Company and was constructed in the 1960's. The existing WWTP is owned and maintained by the Frederick County Division of Utilities and Solid Waste Management (DUSWM). The facility is comprised simply of a sand filter (mound), septic tank, pumping and ultraviolet (UV) disinfection of multiple septic tanks that provide primary treatment followed by an intermediate pumping station, which discharges to a sand filter (mound) that provides secondary treatment. Effluent from the sand filter tank is disinfected using an ultraviolet (UV) treatment unit and then discharged to an outfall to Fishing Creek. The facility is governed by NPDES Permit MD0022900 (State Permit No. 08-DP-0730) allows having an annual average flow of 22,000 gallons per day. The wastewater flows between 2012 and 2014 average between 2,200 and 4,100 gallons per day. The flows can be quite intermittent given the school's component of the flow (particularly during the summer when school is not in session) and greatly variable during wet weather as a result of the exposed sand filter. The last improvements to the wastewater treatment facilities that were designed occurred circa 1976, while other facility



improvements have been on an as-needed basis through the operation and maintenance by DUSWM. the Frederick County Division of Utilities and Solid Waste Management.

### Existing and Future Demand

Based on the Health Department's most recent Sanitary Survey a Lewistown Sewer Service Area was established. There are currently approximately 84 existing residences and properties within the planned Lewistown sewer service area. Other uses include Beckleys RV Center, Home Run Trucking Co., Lewistown Elementary School, two churches, and the Lewistown Fire Company. Within the established sewer service area, a core area of need was identified along the Hessong Bridge Road Corridor (Core Area) that includes approximately 35 residences, the elementary school, fire station, the Lewistown United Methodist Church, and several businesses. The Tyler Quinn property (Parcel 375 ) located on Fish Hatchery Road, would also be included under the Phase I allocation for the project pursuant to the – Lewistown Mills Sewer Service Agreement executed November 17, 2015 between the County and Mr. John Tyler Quinn.

There are four (4) undeveloped lots of record in the Phase I area. The 35 existing residences would require an estimated 8,750 gallons/ per day of treatment capacity based on a design basis of 250 gallons per /day/dwelling per equivalent dwelling unit.

Future demand for wastewater flow in a subsequent phase (s) cwould include the remaining 49 residences, at least one business, and the Mount Prospect Church. There are also approximately three (3) undeveloped lots of record. The 49 existing residences and three (3) potential residences would require approximately 13,000 GPD of treatment capacity based on a 250 gallons/day/equivalent dwelling unit planning assumption.

The service area specifically excludes four (4) larger undeveloped parcels on the north side of Fish Hatchery Rd. and three developed lots off of Acer Ct. Each of the undeveloped parcels may develop with a residence and are large enough to accommodate a suitable septic system. The three developed parcels on Acer Ct. are also large enough (2+ acres each) to accommodate a suitable septic area and a reserve area if needed.

### -Prioritization of Service

Due to the limited treatment capacity relative to the existing and future demand within the service area the following policies will guide how the treatment capacity is allocated. There is no guarantee that treatment capacity will be available to serve all existing and future development within the service area.

- Priority 1 – Existing residences and businesses in the Core Area with the initial classification of S-5
- Priority 2 – Existing residences and businesses within the remaining service area and classified Planned Service (PS)
- Priority 3 – Future residences and businesses

### Planned Improvements

With the transfer of the Lewistown Mills WWTP discharge permit (5,000 GPD) to the County's Lewistown WWTP (22,000 GPD) there would be a theoretical capacity of 27,000 GPD.

Considering that the Lewistown WWTP is nearly 50 years old, with the exception of the UV disinfection system, an upgrade and replacement is being requested as part of the FY 2017 budget and capital improvement program (CIP) approval process. The project will include the study, design and construction of with a more conventional treatment system that will likely treat be to enhanced nutrient removal (ENR) requirements, with phased construction of the facility to accommodate existing



wastewater flow, but also those properties identified in the Core Area of Need. Capacity of the wastewater treatment facility also will be dictated by possible credits for the removal of septic systems in consideration of MDE and local Health Department funding opportunities, which may affect the other key aspect of the wastewater system: the collection system.

In developing a Capital Improvement Project to provide these properties with public sewer service, the Health Department and the DUSWM has identified this core area as Phase 1 of a project to provide sanitary sewer services in the defined Lewistown Sewer Service Area. Phase 1 of the project would include improvements to the existing WWTP and the extension of low pressure sewer lines to the properties in the core area that have failed or failing septic systems.

A separate project is being requested as part of the FY 2017 CIP that considers a low pressure sewer system (LPSS) option, whereby individual grinder pumps would be installed and constructed with small diameter forcemain oriented to maximize connection of existing dwellings within the Core Area of Need and elsewhere in the proposed service area. An LPSS system provides maximum flexibility to serve “existing” dwellings that may have unique building sewer and septic system configurations that differ from new plumbing construction standards. Once in place to serve the “existing” dwellings, any vacant lot that may be developed will also rely on the LPSS system. The individual grinder pumps and the forcemain are expected to be owned and maintained by the County’s DUSWM, which would be memorialized with individual grinder pump agreements and easements that have been standardized in certain locations within its collection system. It is important to note that with respect to the use of grinder pumps, the Design Manual for Water and Sewer Facilities, Chapter 3 – Sewer Main Design, Sec. 3.1.2.3 states: “...In rare instances, a grinder pump owned and maintained by the County will be situated on private property. The grinder pump receives the flow of wastewater through the building sewer from the house or building and pumps it through a force main pipe to the gravity sewer main or a pressure main. It is incumbent on the property owner to grant an easement to the County for maintenance of the grinder pump and associated force main. Cost of electric power for the grinder pump is at the expense of the property owner.” [Emphasis added.] Also, Sec. 3.2.3.1.1. (Depth; Main) states: “General: Sewers shall be designed sufficiently deep to receive sewage from basements. The use of ejector pumps is discouraged in new construction; use of grinder pumps in new construction is permitted only in extraordinary circumstances as determined by the [County DUSWM].”<sup>2</sup> [Emphasis added.] These citations are included to emphasize that the use of grinder pumps elsewhere with the County or proposed for certain areas, such as Lewistown does not set precedent for their use in new development.

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<sup>2</sup> The actual text is Bureau of Water and Sewer versus the County DUSWM; however, organizationally this reference has been outdated since 2000 and could have been confusing to the reader.





## FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

### DIVISION OF UTILITIES & SOLID WASTE MANAGEMENT

Department of Engineering & Planning

Kevin L. Demosky, Director

Rodney G. Winebrenner, Department Head

### MEMORANDUM

TO: Steven C. Horn, Division Director, Division of Planning and Permitting

THRU: Kevin L. Demosky, Director, Division of Utilities and Solid Waste Management (DUSWM) *HE 3/17*

THRU: Rodney G. Winebrenner, P.E., Department Head, Department of Engineering and Planning, DUSWM *RGW*

FROM: Robert D. Creighton Jr., P.E., Engineering Manager, Department of Engineering and Planning, DUSWM *RDC Jr.*

DATE: March 17, 2016

RE: Out of Sequence Request to Provide Sewer Service in Lewistown  
DUSWM Comments/Recommendations

DUSWM offers the following comments/recommendations on the above captioned amendment (each case shown in **bold italics** below) and having been determined to be consistent with the County's Comprehensive Plan by the Frederick County Planning Commission. However, DUSWM typically does not furnish comments or recommendations on municipal requests, privately owned (multi-use) systems, or applications that are otherwise beyond usual responsibilities or knowledge of such system(s). DUSWM's comments/recommendations for each case follow the explanation with underlined text.

**WS-15-13:** *Frederick County Division of Planning and Permitting-* Various text amendments to Chapter 1 (Policies and Procedures) and Chapter 4 (Sewerage Systems) to establish a Sewer Service Area for Lewistown to address a public health issue, and to apply sewer classifications to properties within the Lewistown Sewer Service Area.

Sewer: The DUSWM has been working closely with the Division of Planning and Permitting and Health Department on this particular issue and offers their concurrence on the proposed amendment.

**RECOMMENDATION SEWER:** Approve those changes proposed by the Division of Planning and Permitting.

cc: Kathy Mitchell, Assistant County Attorney (memo only)  
Tim Goodfellow, CDD, Comprehensive Planning (memo only)  
File/Misc -Lewistown Out of Sequence Water and Sewer Amendment (w/application packets)



# FREDERICK COUNTY PLANNING COMMISSION

## DIVISION OF PLANNING & PERMITTING

30 North Market Street


Frederick, Maryland 21701

(301) 600-1138

### FcPc Transmittal Memorandum

**TO:** County Council

**FROM:** Frederick County Planning Commission

**THROUGH:** Jim Gugel, Planning Director 

**DATE:** March 15, 2016

**RE:** **Out-of-Sequence Amendment to the Frederick County Water and Sewerage Plan**

At a public hearing on March 9, 2016 the Frederick County Planning Commission (FcPc) reviewed the Out-of-Sequence amendment to the Frederick County Water and Sewerage Plan with regards to a finding of consistency with the County Comprehensive Plan.

**WS-15-13 Division of Planning and Permitting.** Establishment of a public sewer service area in the Lewistown Community to address a public health issue, and application of sewer classifications to properties within the Lewistown Sewer Service Area.

**Decision:** The Frederick County Planning Commission (FcPc) reviewed a request to amend Chapter 1 and Chapter 4 of the Water and Sewerage Plan and found it consistent with the County Comprehensive Plan

**Vote:** **6 – 0 – 1 – 0**

**For:** Wolfe, Hall, Bruscia, Hopewood, Sepe, Suarez

**Against:**

**Absent:** White

**Abstain:**





FREDERICK COUNTY, MARYLAND  
STAFF REPORT CONCURRENCE FORM

To: Office of the County Executive

Date: January 13, 2015

Through (Name of Div. Dir.): Steve Horn, Director, Planning and Permitting Division

From (Name & Division): Kevin Demosky, Director, Div of Utilities & Solid Waste Management

Phone #: (301) 600-2997 or x12997

Staff Report Topic:

Request an Out-of-Sequence Amendment to the Water and Sewerage Plan for Lewistown

County Funds Requested/Required? Yes ☒ \$ 0.00 No ☐

Action Requested:

Information Only ☐

Requires County Executive's: Approval ☒ Signature \_\_\_\_\_

\*\*\*Please remember to flag all pages that need to be executed by the County Executive.\*\*\*

Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below:

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> (Page 2)
Budget Office	_____	_____	_____
Finance Division	_____	_____	_____

☒ County Attorney's Office

Kam

2/3/16

N

Refer to County Council? Yes ☐ No ☒ (If yes, requires County Executive's approval.)

☒ Chief Administrative Officer

menfadi Browning

2/3/16

N

☒ County Executive

\* Jek

2/4/16

Approval to forward to Council? Yes ☐ No ☐

For Office Use Only

Council Meeting Date: \_\_\_\_\_ Presenter: \_\_\_\_\_

Public Hearing? Yes ☐ No ☐

Requires Council President's Signature? Yes ☐ No ☐





## FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

DIVISION OF UTILITIES & SOLID WASTE MANAGEMENT Kevin L. Demosky, Director

### MEMORANDUM

TO: Jan H. Gardner, County Executive  
THRU: Steve C. Horn, Director, Planning and Permitting Division *SAH*  
FROM: Kevin L. Demosky, Director, Division of Utilities and Solid Waste Management (DUSWM) *KL*  
DATE: January 13, 2016  
RE: Request an Out-of-Sequence Amendment to the Frederick County Water and Sewerage Plan for Lewistown

**ISSUE:** Should the County Executive approve a piecemeal application for the above-captioned Water and Sewerage Plan amendment?

**BACKGROUND:** On June 19, 2014, the Division of Utilities and Solid Waste Management (DUSWM) and Health Department provided a joint presentation to the Board of County Commissioners (BOCC) on the Lewistown Sanitary Survey Results and Conceptual Sewerage Option.<sup>1</sup> The BOCC approved the following DUSWM staff recommendations:

1. Transmit the Sanitary Survey to the MDE and schedule a meeting with their infrastructure financing staff to determine, what if any, grant or loan (with loan forgiveness) opportunities may be available for such a project.
  - i. Request use of BRF for sewer system connections (including grinder pumps).
  - ii. Determine if the use of BRF will be tied to WWTP ENR upgrade.
2. If MDE funding opportunities exist, refine the project costs estimate and prepare estimated costs on per-property-basis served using the LPSS (grinder pump) system.
3. Conduct a public informational meeting with the Lewistown residents. Inform them of both the results of the sanitary survey and estimated cost of the LPSS (grinder pump) system and DUSWM's current sewer user rates.
4. Report back to the BOCC the results of the meetings with MDE and the Lewistown residents.
5. Based on the community's response to the project and its estimated costs, the BOCC may or may not decide to establish a CIP project to address the problem.
6. If a CIP project is established, prioritize the project based on MDE funding availability.
7. If no CIP project is established, request Health Department to update the sanitary survey in 5 years.<sup>2</sup>

Item 1 was completed, i.e., the information was transmitted to MDE on June 27, 2014 and a meeting was conducted with certain MDE staffs on July 23, 2014. Funding opportunities were

<sup>1</sup> <http://www.frederickcountymd.gov/documentcenter/view/270421>

<sup>2</sup> BOCC Meeting Minutes: <http://www.frederickcountymd.gov/ArchiveCenter/ViewFile/Item/6125>



identified, but were constrained by Bay Restoration (Septic) Fund (BRF) and are outlined in MDE's final program implementation guidance for FY 2015. One key element involves connecting on-site disposal systems (septic or holding tanks) to a wastewater treatment plant that are located outside of a Priority Funding Area (PFA).<sup>3</sup>

In the meantime, DUSWM prepared two separate CIP project requests to address Item 6, but primarily as "placeholders", while additional detail was worked out with respect to establishing an area in Lewistown within the Water and Sewerage Plan to work through an approval process with the goal of obtaining a PFA exemption approval from the "smart growth coordinating committee."

Additionally, a separate opportunity arose with an existing discharge permit held by a private party, whereby via an agreement with John Tyler Quynn ("Developer"), the nutrient and hydraulic capacity are being consolidated to maximize the potential capacity to address failing septic systems and holding tanks in the anticipated Lewistown area. This agreement was executed between the Developer and the County on November 17, 2015 and, among other things, limits the development of the Developer's property to four (4) taps and preserves the existing discharge permit in the County's name by allowing its use (after certain capital improvements are made to replace the existing WWTP that is beyond its useful life) toward addressing these Health Department needs, but greatly minimizing potential new development.

**ANALYSIS/RECOMMENDATION:** It is recommended to pursue an out-of-sequence amendment to the Water and Sewerage Plan pursuant to Section III.B.(3)(a)(ii), which provides: "The County Governing Body may at their discretion initiate amendments to the Water and Sewerage Plan outside the tri-annual review sequence when necessary...[t]o allow requests submitted by a governmental agency or capital projects to proceed." The Planning and Permitting Division would initiate the process to amend the plan to address the needs in the Lewistown area aforementioned.

**ACTION REQUESTED:** County Executive approval is sought to allow an out-of-sequence amendment to address, the terms of the recently executed Lewistown Mills Sewer Service Agreement, related MDE NPDES permitting process, and to ensure that adequate time is available to conduct a public informational meeting with the Lewistown community before the subject W&S Amendment is formally considered by the Planning Commission and Council. There is not enough time to complete the public informational meeting and meet the constraints of the Fall W&S Cycle schedule requirements.

If there any questions, or if additional information is required, please do not hesitate to contact me.

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<sup>3</sup> As explained in DUSWM's June 12, 2014 memorandum to the BOCC, Lewistown does not show up as a PFA on the Maryland Department of Planning (MDP) maps.



Jan H. Gardner, County Executive

RE: Request an Out-of-Sequence Amendment to the Frederick County Water and Sewerage Plan for Lewistown  
January 13, 2016

Page 3

FUNDING INFORMATION:

Account Number(s): N/A

Budget Transfer Required: No X Yes \_\_\_\_\_

Amount of County Funding Requested: \$0.00

Source of Funds: N/A

KLD:kld

.....  
REQUESTED ACTION APPROVED

X

Jan H. Gardner

Jan H. Gardner, County Executive  
Frederick County, Maryland

2-4-2016

Date